

ORIGINAL

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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

DEANNA MCCAFFREY
1161 Woodside Meadows Drive
Redding, California 96002

Registered Nurse License No. 636180

Respondent.

Case No. 2004-75

OAH No. 2008030670

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 10, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Petition to Revoke Probation No. 2004-75 against Deanna McCaffrey ("Respondent") before the Board of Registered Nursing.

2. On or about April 14, 2004, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 636180 to Respondent. The registered nurse license expired on January 31, 2008.

3. On or about April 9, 2008, Praveen K. Singh, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Notice of Hearing in Petition to Revoke Probation No. 2004-75, to Respondent's address of record with the Board,

1 which was 1161 Woodside Meadows Drive, Redding, California, 96002. A copy of the Notice
2 of Hearing, the related documents, and Declaration of Service are attached as **Exhibit A**, and are
3 incorporated herein by reference.

4 4. Service of the Notice of Hearing was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. Business and Professions Code section 118 states, in pertinent part:

7 (b) The suspension, expiration, or forfeiture by operation of law of a
8 license issued by a board in the department, or its suspension, forfeiture, or
9 cancellation by order of the board or by order of a court of law, or its surrender
10 without the written consent of the board, shall not, during any period in which it
11 may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee
upon any ground provided by law or to enter an order suspending or revoking the
license or otherwise taking disciplinary action against the license on any such
ground.

12 6. Respondent failed to appear at the hearing scheduled for May 21, 2008.
13 (See Jurisdictional Findings and Order of Remand, contained in Exhibit B.)

14 7. Pursuant to its authority under Government Code section 11520, the Board
15 finds Respondent is in default. The Board will take action without further hearing and based on
16 Respondent's express admissions by way of default and the evidence before it. **Exhibit B** finds
17 that the allegations of probation violations in Petition to Revoke Probation No. 2004-75, are true.

18 8. The total costs for investigation and enforcement are \$8,666.00, as of
19 February 19, 2009.

20 **DETERMINATION OF ISSUES**

21 1. Based on the foregoing findings of fact, Respondent Deanna McCaffrey
22 has subjected her Registered Nurse License No. 636180 to discipline.

23 2. A copy of the Notice of Hearing and the related documents and
24 Declarations of Service are attached.

25 3. The agency has jurisdiction to adjudicate this case by default.

26 4. The Board of Registered Nursing is authorized to revoke Respondent's
27 registered nurse license based upon her failure to contest the Petition to Revoke Probation by
28 failing to appear at the hearing scheduled in this matter for May 21, 2008.

1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 636180, heretofore
3 issued to Respondent Deanna McCaffrey, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
8 statute.

9 This shall become effective on August 8, 2009.

10
11 It is so ORDERED July 9, 2009.

12
13 *Suzanne Phillips MSN, RN, FNP-BC*

14 FOR THE BOARD OF REGISTERED NURSING
15 DEPARTMENT OF CONSUMER AFFAIRS
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25 Attachments:

26 Exhibit A: Notice of Hearing No. 2004-75, Related Documents, and Declaration of Service
27 Exhibit B: Jurisdictional Findings and Order of Remand

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BEFORE THE
BOARD OF REGISTERED NURSES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

DEANNA MCCAFFREY,
Redding, California 96002

Registered Nurse License No. 636180

Respondent.

Case No. 2004-75

OAH No. 2008030670

JURISDICTIONAL FINDINGS AND ORDER OF REMAND

Administrative Law Judge Stephen J. Smith, Office of Administrative Hearings, State of California heard this matter in Redding, California on May 21, 2008.

Jeffrey M. Phillips, Deputy Attorney General, Department of Justice, represented the Board of Registered Nurses, Department of Consumer Affairs.

There was no appearance by or on behalf of respondent.

The record was closed and the matter was submitted on May 21, 2008.

FACTUAL FINDINGS

1. Ruth Ann Terry, M.P.H., R.N., made the allegations contained in the Petition to Revoke Probation (Petition) in her official capacity only as Executive Officer of the Board of Registered Nursing (the Board), Department of Consumer Affairs, State of California. The Petition was made on April 10, 2007. Deanna McCaffrey timely filed a Notice of Defense to the Accusation.

2. The Board's official records, as of April 17, 2008, show that the Board issued Registered Nurse (RN) License number 636180 to Deanna Colleen McCaffrey on April 15, 2004. The license was issued but immediately revoked, and Ms. McCaffrey was placed on probation for a period of three years, on terms and conditions.

3. Notice of the date, time and place of the evidentiary hearing on the Petition was duly given by the Deputy Attorney General to respondent at her address of record, in accordance with the provisions of Government Code sections 11505 and 11509.

4. The Deputy Attorney General had contact with respondent regarding an appropriate time to set the evidentiary hearing. The evidentiary hearing was originally set in mid-July 2008, but was advanced to the current date. An Amended Notice of Hearing was issued on April 9, 2008, reflecting the new evidentiary hearing dates of May 21 and 22, 2008. On April 24, 2008, the Deputy Attorney General spoke to respondent regarding efforts to resolve the matter short of hearing. Respondent confirmed during the conversation with the Deputy Attorney General that she had received the Amended Notice of Hearing, reflecting the May 21 and 22 dates. Respondent told the Deputy Attorney General that she was aware of the date, time and location of the evidentiary hearing.

5. Respondent failed to appear at the evidentiary hearing. Good cause was not proved for respondent's failure to appear. The matter was conducted as a default. The Deputy Attorney General moved for a remand of the matter to the Board for the preparation of an in house default. The motion was granted.

ORDER

The matter shall be conducted as a default. All jurisdictional requirements for proceeding as a default were met. The matter is remanded to the Board of Registered Nursing for the preparation of an in-house default decision. The exhibits are remanded to the Board as part of this Order.

DATED: July 3, 2008



STEPHEN J. SMITH
Administrative Law Judge
Office of Administrative Hearings

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BOARD OF
REGISTERED NURSING
SACRAMENTO

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of the State of California
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke Probation
Against:

Case No. 2004-75

12 DEANNA MCCAFFREY
13 1611 Woodside Meadows Drive
Redding, CA 96002
14 Registered Nurse No. 636180

**PETITION TO REVOKE
PROBATION**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Petition to Revoke
20 Probation solely in her official capacity as the Executive Officer of the Board of Registered
21 Nursing, Department of Consumer Affairs.

22 2. On or about April 14, 2004, the Board of Registered Nursing issued
23 Registered Nurse Number 636180 to Deanna McCaffrey (Respondent). Said license will expire,
24 January 31, 2008, unless renewed.

25 3. In a disciplinary action entitled "In the Matter of the Statement of Issues
26 Against: Deanna McCaffrey,"; Case No. 2004-75, the Board of Registered Nursing entered a
27 Stipulated Settlement and issued a Disciplinary Order effective April 15, 2004, in which
28 Respondent's Registered Nurse was issued but immediately revoked. However, the revocation

1 was stayed and Respondent's nurse was placed on probation for a period of three (3) years with
2 certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated
3 by reference.

4 4. Grounds exist for revoking the probation and reimposing the order of
5 revocation of Respondent's Registered Nurse License No. 636180. Condition 11 of the
6 Stipulated Settlement Disciplinary Order states as follows:

7 If Respondent violates the conditions of her probation, the Board after giving
8 Respondent notice and an opportunity to be heard, may set aside the stay order and
9 impose the stayed discipline (revocation/suspension) of Respondent's license.

10 If during the period of probation, an accusation or petition to revoke has been filed
11 against Respondent's license or the Attorney General's Office has been requested to
12 prepare an accusation or petition to revoke probation against Respondent's license, the
13 probationary period shall automatically be extended and shall not expire until the
14 accusation or petition has been acted upon by the Board.

15 5. Respondent has violated the Probation Program, as set forth in the
16 following paragraphs:

17 FIRST CAUSE TO REVOKE PROBATION

18 (Obey all Laws)

19 6. At all times after the effective date of Respondent's probation, Condition 1
20 provided:

21 Respondent shall obey all federal, state and local laws. A full and detailed
22 account of any and all violations of law shall be reported by Respondent to the Board in
23 writing within seventy-two (72) hours of occurrence. To permit monitoring of
24 compliance with this condition, Respondent shall submit completed fingerprint forms and
25 fingerprint fees within 45 days of the effective date of the decision, unless previously
26 submitted as part of the licensure application process.

27 ///

28 ///

1 7. Respondent's probation is subject to revocation because she failed
2 to comply with Probation Condition 1, referenced above. The facts and circumstances regarding
3 this violation are as follows:

4 A. On or about September 22, 2006, in People v. Deanna Colleen
5 McCaffrey; Shasta County Superior Court; Case No MC RD CRF 050009685, respondent
6 entered a plea of guilty to a violation of Health and Safety Code section 11350 (A) wilful and
7 unlawful possession of a controlled substance, to wit, HYDROCODONE. The circumstances
8 were that on or about November 28, 2005, respondent was found in unlawful possession of
9 Hydrocodone, a controlled substance.

10 SECOND CAUSE TO REVOKE PROBATION

11 (Report in Person)

12 8. At all times after the effective date of Respondent's probation, Condition 3
13 stated:

14 Respondent, during the period of probation, shall appear in person at
15 interviews/meetings as directed by the Board or its designated representatives.

16 9. Respondent's probation is subject to revocation because she failed to
17 comply with Probation Condition 3, referenced above. The facts and circumstances regarding
18 this violation are as follows:

19 A. Respondent failed to appear on June 14, 2005 and July 15, 2005, at
20 regularly noticed probation interviews with a Board Representative.

21 THIRD CAUSE TO REVOKE PROBATION

22 (Physical Health Exam)

23 10. At all times after the effective date of Respondent's probation, Condition
24 13 stated:

25 Within 45 days of the effective date of this Decision, Respondent, at her expense, shall
26 have a licensed physician, nurse practitioner, or physician assistant, who is approved by
27 the Board before the assessment is performed, submit an assessment of the Respondent's
28 physical condition and capability to perform the duties of a registered nurse. Such an

1 assessment shall be submitted in a format acceptable to the Board. If medically
2 determined, a recommended treatment program will be instituted and followed by the
3 Respondent with the physician, nurse practitioner, or physician assistant providing
4 written reports to the Board on forms provided by the Board.

5 If Respondent is determined to be unable to practice safely as a registered
6 nurse, the licensed physician, nurse practitioner, or physician assistant making this
7 determination shall immediately notify the Board and Respondent by telephone, and the
8 Board shall request that the Attorney General's office prepare an accusation or petition to
9 revoke probation. Respondent shall immediately cease practice and shall not resume
10 practice until notified by the Board. During this period of suspension, Respondent shall
11 not engage in any practice for which a license issued by the Board is required until the
12 Board has notified Respondent that a medical determination permits Respondent to
13 resume practice. This period of suspension will not apply to the reduction of this
14 probationary time period.

15 If Respondent fails to have the above assessment submitted to the Board
16 within the 45-day requirement, Respondent shall immediately cease practice and shall not
17 resume practice until notified by the Board. This period of suspension will not apply to
18 the reduction of this probationary time period. The Board may waive or postpone this
19 suspension only if significant, documented evidence of mitigation is provided. Such
20 evidence must establish good faith efforts by Respondent to obtain the assessment, and a
21 specific date for compliance must be provided. Only one such waiver or extension may
22 be permitted.

23 11. Respondent's probation is subject to revocation because she failed to
24 comply with Probation Condition 13, referenced above. The facts and circumstances regarding
25 this violation are as follows:

26 A. Respondent failed to complete a physical health examination by
27 June 1, 2004 as required.

28 ///

1 FOURTH CAUSE TO REVOKE PROBATION

2 (Treatment/Rehabilitation Program for Chemical Dependence)

3 12. At all times after the effective date of Respondent's probation, Condition
4 14 stated:

5 Respondent, at her expense, shall successfully complete during the probationary period or
6 shall have successfully completed prior to commencement of probation a Board-approved
7 treatment/rehabilitation program of at least six months duration. As required, reports
8 shall be submitted by the program on forms provided by the Board. If Respondent has
9 not completed a Board-approved treatment/rehabilitation program prior to
10 commencement of probation, Respondent, within 45 days from the effective date of the
11 decision, shall be enrolled in a program. If a program is not successfully completed
12 within the first nine months of probation, the Board shall consider Respondent in
13 violation of probation.

14 Based on Board recommendation, each week Respondent shall be required to attend at
15 least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
16 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and
17 directed by the Board. If a nurse support group is not available, an additional 12-step
18 meeting or equivalent shall be added. Respondent shall submit dated and signed
19 documentation confirming such attendance to the Board during the entire period of
20 probation. Respondent shall continue with the recovery plan recommended by the
21 treatment/rehabilitation program or a licensed mental health examiner and/or other
22 ongoing recovery groups.

23 13. Respondent's probation is subject to revocation because she failed to
24 comply with Probation Condition 14, referenced above. The facts and circumstances regarding
25 this violation are as follows:

26 A. Respondent failed to provide evidence of attending weekly 12-step
27 and nurse support groups meetings as required.

28 ///

1 FIFTH CAUSE TO REVOKE PROBATION

2 (Biological Fluid Testing)

3 14. At all times after the effective date of Respondent's probation,
4 Condition 16 stated:

5 Respondent, at her expense, shall participate in a random, biological fluid testing or a
6 drug screening program which the Board approves. The length of time and frequency
7 will be subject to approval by the Board. Respondent is responsible for keeping the
8 Board informed of Respondent's current telephone number at all times. Respondent shall
9 also ensure that messages may be left at the telephone number when she is not available
10 and ensure that reports are submitted directly by the testing agency to the Board, as
11 directed. Any confirmed positive finding shall be reported immediately to the Board by
12 the program and Respondent shall be considered in violation of probation. In addition,
13 Respondent, at any time during the period of probation, shall fully cooperate with the
14 Board or any of its representatives, and shall, when requested, submit to such tests and
15 samples as the Board or its representatives may require for the detection of alcohol,
16 narcotics, hypnotics, dangerous drugs, or other controlled substances. If Respondent has a
17 positive drug screen for any substance not legally authorized and not reported to the
18 coordinating physician, nurse practitioner, or physician assistant, and the Board files a
19 petition to revoke probation or an accusation, the Board may suspend Respondent from
20 practice pending the final decision on the petition to revoke probation or the accusation.
21 This period of suspension will not apply to the reduction of this probationary time period.

22 If Respondent fails to participate in a random, biological fluid testing or
23 drug screening program within the specified time frame, Respondent shall immediately
24 cease practice and shall not resume practice until notified by the Board. After taking into
25 account documented evidence of mitigation, if the Board files a petition to revoke
26 probation or an accusation, the Board may suspend Respondent from practice pending the
27 final decision on the petition to revoke probation or the accusation. This period of
28 suspension will not apply to the reduction of this probationary time period

1 15. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition 16, referenced above. The facts and circumstances regarding
3 this violation are as follows:

4 A. Respondent failed to timely enroll with a drug screening facility
5 and failed to participate in the Board's required random drug screening program.

6 SIXTH CAUSE TO REVOKE PROBATION

7 (Mental Health Examination)

8 16. At all times after the effective date of Respondent's probation, Condition
9 17 stated:

10 Respondent shall, within 45 days of the effective date of this Decision, have a mental
11 health examination including psychological testing as appropriate to determine her
12 capability to perform the duties of a registered nurse. The examination will be performed
13 by a psychiatrist, psychologist or other licensed mental health practitioner approved by
14 the Board. The examining mental health practitioner will submit a written report of that
15 assessment and recommendations to the Board. ~~All costs are the responsibility of~~
16 Respondent. Recommendations for treatment, therapy or counseling made as a result of
17 the mental health examination will be instituted and followed by Respondent.

18 If Respondent is determined to be unable to practice safely as a registered nurse,
19 the licensed mental health care practitioner making this determination shall immediately
20 notify the Board and Respondent by telephone, and the Board shall request that the
21 Attorney General's office prepare an accusation or petition to revoke probation.
22 Respondent shall immediately cease practice and may not resume practice until notified
23 by the Board. During this period of suspension, Respondent shall not engage in any
24 practice for which a license issued by the Board is required, until the Board has notified
25 Respondent that a mental health determination permits Respondent to resume practice.
26 This period of suspension will not apply to the reduction of this probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within
28 the 45-day requirement, Respondent shall immediately cease practice and shall not

1 resume practice until notified by the Board. This period of suspension will not apply to
2 the reduction of this probationary time period. The Board may waive or postpone this
3 suspension only if significant, documented evidence of mitigation is provided. Such
4 evidence must establish good faith efforts by Respondent to obtain the assessment, and a
5 specific date for compliance must be provided. Only one such waiver or extension may
6 be permitted.

7 17. Respondent's probation is subject to revocation because she failed to
8 comply with Probation Condition 17, referenced above. The facts and circumstances regarding
9 this violation are as follows:

10 A. Respondent failed to provide evidence of a completed Mental
11 Health Examination by June 1, 2004.

12 SEVENTH CAUSE TO REVOKE PROBATION

13 (Participate in Ongoing Therapy)

14 18. At all times after the effective date of Respondent's probation, Condition
15 18 stated:

16 Respondent, at her expense, shall participate in an on-going counseling program until
17 such time as the Board releases her from this requirement and only upon the
18 recommendation of the counselor. Written progress reports from the counselor will be
19 required at various intervals.

20 19. Respondent's probation is subject to revocation because she failed to
21 comply with Probation Condition 18, referenced above. The facts and circumstances regarding
22 this violation are as follows:

23 A. Respondent failed to produce evidence of her participation in on-
24 going therapy

25 EIGHTH CAUSE TO REVOKE PROBATION

26 (Comply with Probation)

27 20. At all times after the effective date of Respondent's probation, Condition 2
28 stated:

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension. Upon successful completion of probation, Respondent's license shall be fully restored.

21. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 2, referenced above in that she failed to comply with her terms and conditions of probation as set forth more specifically above in paragraphs 6 through 19.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2004-75 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse No. 636180 issued to Deanna McCaffrey;

2. Revoking or suspending Registered Nurse No. 636180, issued to Deanna McCaffrey;

3. Taking such other and further action as deemed necessary and proper.

DATED: 4/10/07



RUTH ANN TERRY, M.P.H., R.N
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-75

1 BILL LOCKYER, Attorney General
of the State of California
2 MARCIA A. FAY, State Bar No. 161614
Deputy Attorney General
3 California Department of Justice
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6 Facsimile: (916) 327-8643
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2004-75

13 DEANNA MCCAFFREY
1032 Fallon Court
Redding, California 96003

14 **STIPULATED SETTLEMENT AND**
15 **DISCIPLINARY ORDER**

Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Marcia
22 A. Fay, Deputy Attorney General.

23 2. Deanna McCaffrey (Respondent) is representing herself in this proceeding
24 and has chosen not to exercise her right to be represented by counsel.

25 JURISDICTION

26 3. Statement of Issues No. 2004-75 was filed before the Board of Registered
27 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
28 The Statement of Issues and all other statutorily required documents were properly served on

1 Respondent on October 17, 2003. A copy of Statement of Issues No. 2004-75 is attached as
2 exhibit A and incorporated herein by reference.

3 ADVISEMENT AND WAIVERS

4 4. Respondent has carefully read, and understands the charges and allegations
5 in Statement of Issues No. 2004-75.. Respondent has also carefully read, and understands the
6 effects of this Stipulated Settlement and Disciplinary Order.

7 5. Respondent is fully aware of her legal rights in this matter, including the
8 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
9 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
10 against her, the right to present evidence and to testify on her own behalf; the right to the
11 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
12 the right to reconsideration and court review of an adverse decision; and all other rights accorded
13 by the California Administrative Procedure Act and other applicable laws.

14 6. Respondent voluntarily, knowingly, and intelligently waives and gives up
15 each and every right set forth above.

16 CULPABILITY

17 7. Respondent admits the truth of each and every charge and allegation in
18 Statement of Issues No. 2004-75.

19 8. Respondent agrees that her application for licensure as a Registered Nurse
20 is subject to denial and she is to be bound by the Board's imposition of discipline as set forth in
21 the Disciplinary Order below.

22 CONTINGENCY

23 9. This stipulation shall be subject to approval by the Board of Registered
24 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
25 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
26 and settlement, without notice to or participation by Respondent. By signing the stipulation,
27 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
28 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt

1 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
2 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
3 between the parties, and the Board shall not be disqualified from further action by having
4 considered this matter.

5 10. The parties understand and agree that facsimile copies of this Stipulated
6 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
7 force and effect as the originals.

8 11. In consideration of the foregoing admissions and stipulations, the parties
9 agree that the Board may, without further notice or formal proceeding, issue and enter the
10 following Disciplinary Order:

11 **DISCIPLINARY ORDER**

12 IT IS HEREBY ORDERED that the application of Respondent Deanna
13 McCaffrey for licensure is hereby granted. Upon successful completion of the licensure
14 examination and all other licensing requirements, a license shall be issued to Respondent. Said
15 license shall immediately be revoked, the order of revocation stayed and Respondent placed on
16 probation for a period of three years on the following conditions.

17 **Severability Clause.** Each condition of probation contained herein is a separate
18 and distinct condition. If any condition of this Order, or any application thereof, is declared
19 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
20 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
21 and enforceable to the fullest extent permitted by law.

22 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
23 A full and detailed account of any and all violations of law shall be reported by Respondent to
24 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
25 compliance with this condition, Respondent shall submit completed fingerprint forms and
26 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
27 as part of the licensure application process.

28 **Criminal Court Orders:** If Respondent is under criminal court orders, including

1 probation or parole, and the order is violated, this shall be deemed a violation of these probation
2 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

3 2. **Comply with the Board's Probation Program.** Respondent shall fully
4 comply with the conditions of the Probation Program established by the Board and cooperate
5 with representatives of the Board in its monitoring and investigation of the Respondent's
6 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
7 within no more than 15 days of any address change and shall at all times maintain an active,
8 current license status with the Board, including during any period of suspension.

9 Upon successful completion of probation, Respondent's license shall be fully
10 restored.

11 3. **Report in Person.** Respondent, during the period of probation, shall
12 appear in person at interviews/meetings as directed by the Board or its designated
13 representatives.

14 4. **Residency, Practice, or Licensure Outside of State.** Periods of
15 residency or practice as a registered nurse outside of California shall not apply toward a reduction
16 of this probation time period. Respondent's probation is tolled, if and when she resides outside
17 of California. Respondent must provide written notice to the Board within 15 days of any change
18 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
19 returning to practice in this state.

20 Respondent shall provide a list of all states and territories where she has ever been
21 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
22 provide information regarding the status of each license and any changes in such license status
23 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
24 new nursing license during the term of probation.

25 5. **Submit Written Reports.** Respondent, during the period of probation,
26 shall submit or cause to be submitted such written reports/declarations and verification of actions
27 under penalty of perjury, as required by the Board. These reports/declarations shall contain
28 statements relative to Respondent's compliance with all the conditions of the Board's Probation

1 Program. Respondent shall immediately execute all release of information forms as may be
2 required by the Board or its representatives.

3 Respondent shall provide a copy of this Decision to the nursing regulatory agency
4 in every state and territory in which she has a registered nurse license.

5 6. **Function as a Registered Nurse.** Respondent, during the period of
6 probation, shall engage in the practice of registered nursing in California for a minimum of 24
7 hours per week for 6 consecutive months or as determined by the Board.

8 For purposes of compliance with the section, "engage in the practice of registered
9 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
10 work in any non-direct patient care position that requires licensure as a registered nurse.

11 The Board may require that advanced practice nurses engage in advanced practice
12 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
13 Board.

14 If Respondent has not complied with this condition during the probationary term,
15 and Respondent has presented sufficient documentation of her good faith efforts to comply with
16 this condition, and if no other conditions have been violated, the Board, in its discretion, may
17 grant an extension of Respondent's probation period up to one year without further hearing in
18 order to comply with this condition. During the one year extension, all original conditions of
19 probation shall apply.

20 7. **Employment Approval and Reporting Requirements.** Respondent
21 shall obtain prior approval from the Board before commencing or continuing any employment,
22 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
23 performance evaluations and other employment related reports as a registered nurse upon request
24 of the Board.

25 Respondent shall provide a copy of this Decision to her employer and immediate
26 supervisors prior to commencement of any nursing or other health care related employment.

27 In addition to the above, Respondent shall notify the Board in writing within
28 seventy-two (72) hours after she obtains any nursing or other health care related employment.

1 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
2 terminated or separated, regardless of cause, from any nursing, or other health care related
3 employment with a full explanation of the circumstances surrounding the termination or
4 separation.

5 8. Supervision. Respondent shall obtain prior approval from the Board
6 regarding Respondent's level of supervision and/or collaboration before commencing or
7 continuing any employment as a registered nurse, or education and training that includes patient
8 care.

9 Respondent shall practice only under the direct supervision of a registered nurse
10 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
11 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
12 are approved.

13 Respondent's level of supervision and/or collaboration may include, but is not
14 limited to the following:

15 (a) Maximum - The individual providing supervision and/or collaboration is
16 present in the patient care area or in any other work setting at all times.

17 (b) Moderate - The individual providing supervision and/or collaboration is in
18 the patient care unit or in any other work setting at least half the hours Respondent works.

19 (c) Minimum - The individual providing supervision and/or collaboration has
20 person-to-person communication with Respondent at least twice during each shift worked.

21 (d) Home Health Care - If Respondent is approved to work in the home health
22 care setting, the individual providing supervision and/or collaboration shall have person-to-
23 person communication with Respondent as required by the Board each work day. Respondent
24 shall maintain telephone or other telecommunication contact with the individual providing
25 supervision and/or collaboration as required by the Board during each work day. The individual
26 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
27 site visits to patients' homes visited by Respondent with or without Respondent present.

28 //

1 9. **Employment Limitations.** Respondent shall not work for a nurse's
2 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
3 traveling nurse, or for an in-house nursing pool.

4 Respondent shall not work for a licensed home health agency as a visiting nurse
5 unless the registered nursing supervision and other protections for home visits have been
6 approved by the Board. Respondent shall not work in any other registered nursing occupation
7 where home visits are required.

8 Respondent shall not work in any health care setting as a supervisor of registered
9 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
10 nurses and/or unlicensed assistive personnel on a case-by-case basis.

11 Respondent shall not work as a faculty member in an approved school of nursing
12 or as an instructor in a Board approved continuing education program.

13 Respondent shall work only on a regularly assigned, identified and predetermined
14 worksite(s) and shall not work in a float capacity.

15 If Respondent is working or intends to work in excess of 40 hours per week, the
16 Board may request documentation to determine whether there should be restrictions on the hours
17 of work.

18 10. **Complete Nursing Course(s).** Respondent, at her own expense, shall
19 enroll and successfully complete course(s) relevant to the practice of registered nursing no later
20 than six months prior to the end of her probationary term.

21 Respondent shall obtain prior approval from the Board before enrolling in the
22 course(s). Respondent shall submit to the Board the original transcripts or certificates of
23 completion for the above required course(s). The Board shall return the original documents to
24 Respondent after photocopying them for its records.

25 11. **Violation of Probation.** If Respondent violates the conditions of her
26 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
27 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
28 license.

1 If during the period of probation, an accusation or petition to revoke probation has
2 been filed against Respondent's license or the Attorney General's Office has been requested to
3 prepare an accusation or petition to revoke probation against Respondent's license, the
4 probationary period shall automatically be extended and shall not expire until the accusation or
5 petition has been acted upon by the Board.

6 12. **License Surrender.** During Respondent's term of probation, if she ceases
7 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
8 probation, Respondent may surrender her license to the Board. The Board reserves the right to
9 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
10 take any other action deemed appropriate and reasonable under the circumstances, without
11 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
12 will no longer be subject to the conditions of probation.

13 Surrender of Respondent's license shall be considered a disciplinary action and
14 shall become a part of Respondent's license history with the Board. A registered nurse whose
15 license has been surrendered may petition the Board for reinstatement no sooner than the
16 following minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any
18 reason other than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 13. **Physical Examination.** Within 45 days of the effective date of this
21 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
22 physician assistant, who is approved by the Board before the assessment is performed, submit an
23 assessment of the Respondent's physical condition and capability to perform the duties of a
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
25 medically determined, a recommended treatment program will be instituted and followed by the
26 Respondent with the physician, nurse practitioner, or physician assistant providing written
27 reports to the Board on forms provided by the Board.

28 If Respondent is determined to be unable to practice safely as a registered nurse,

1 the licensed physician, nurse practitioner, or physician assistant making this determination shall
2 immediately notify the Board and Respondent by telephone, and the Board shall request that the
3 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
4 shall immediately cease practice and shall not resume practice until notified by the Board.
5 During this period of suspension, Respondent shall not engage in any practice for which a license
6 issued by the Board is required until the Board has notified Respondent that a medical
7 determination permits Respondent to resume practice. This period of suspension will not apply
8 to the reduction of this probationary time period.

9 If Respondent fails to have the above assessment submitted to the Board within
10 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
11 practice until notified by the Board. This period of suspension will not apply to the reduction of
12 this probationary time period. The Board may waive or postpone this suspension only if
13 significant, documented evidence of mitigation is provided. Such evidence must establish good
14 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
15 provided. Only one such waiver or extension may be permitted.

16 14. **Participate in Treatment/Rehabilitation Program for Chemical**
17 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
18 period or shall have successfully completed prior to commencement of probation a Board-
19 approved treatment/rehabilitation program of at least six months duration. As required, reports
20 shall be submitted by the program on forms provided by the Board. If Respondent has not
21 completed a Board-approved treatment/rehabilitation program prior to commencement of
22 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
23 a program. If a program is not successfully completed within the first nine months of probation,
24 the Board shall consider Respondent in violation of probation.

25 Based on Board recommendation, each week Respondent shall be required to
26 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
27 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
28 by the Board. If a nurse support group is not available, an additional 12-step meeting or

equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

15. Abstain from Use of Psychotropic (Mood-Altering) Drugs. Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

16. Submit to Tests and Samples. Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing

1 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
2 to the Board by the program and Respondent shall be considered in violation of probation.

3 In addition, Respondent, at any time during the period of probation, shall fully
4 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
5 tests and samples as the Board or its representatives may require for the detection of alcohol,
6 narcotics, hypnotics, dangerous drugs, or other controlled substances.

7 If Respondent has a positive drug screen for any substance not legally authorized
8 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
9 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
10 from practice pending the final decision on the petition to revoke probation or the accusation.
11 This period of suspension will not apply to the reduction of this probationary time period.

12 If Respondent fails to participate in a random, biological fluid testing or drug
13 screening program within the specified time frame, Respondent shall immediately cease practice
14 and shall not resume practice until notified by the Board. After taking into account documented
15 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
16 Board may suspend Respondent from practice pending the final decision on the petition to
17 revoke probation or the accusation. This period of suspension will not apply to the reduction of
18 this probationary time period.

19 17. **Mental Health Examination.** Respondent shall, within 45 days of the
20 effective date of this Decision, have a mental health examination including psychological testing
21 as appropriate to determine her capability to perform the duties of a registered nurse. The
22 examination will be performed by a psychiatrist, psychologist or other licensed mental health
23 practitioner approved by the Board. The examining mental health practitioner will submit a
24 written report of that assessment and recommendations to the Board. All costs are the
25 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
26 result of the mental health examination will be instituted and followed by Respondent.

27 If Respondent is determined to be unable to practice safely as a registered nurse,
28 the licensed mental health care practitioner making this determination shall immediately notify

1 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
2 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
3 practice and may not resume practice until notified by the Board. During this period of
4 suspension, Respondent shall not engage in any practice for which a license issued by the Board
5 is required, until the Board has notified Respondent that a mental health determination permits
6 Respondent to resume practice. This period of suspension will not apply to the reduction of this
7 probationary time period.

8 If Respondent fails to have the above assessment submitted to the Board within
9 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
10 practice until notified by the Board. This period of suspension will not apply to the reduction of
11 this probationary time period. The Board may waive or postpone this suspension only if
12 significant, documented evidence of mitigation is provided. Such evidence must establish good
13 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
14 provided. Only one such waiver or extension may be permitted.

15 18. Therapy or Counseling Program. Respondent, at her expense, shall
16 participate in an on-going counseling program until such time as the Board releases her from this
17 requirement and only upon the recommendation of the counselor. Written progress reports from
18 the counselor will be required at various intervals.

ACCEPTANCE

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I
21 understand the stipulation and the effect it will have on my registered nurse license. I enter into
22 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
23 agree to be bound by the Decision and Order of the Board of Registered Nursing.

24 DATED: 7-12-04

Deanna C. McCaffrey
Deanna McCaffrey
Respondent

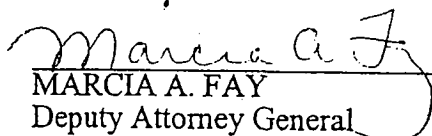
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: Jan. 20, 2004

BILL LOCKYER, Attorney General
of the State of California


MARCIA A. FAY
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: 03579110-SA2003102910
10026293.wpd

Exhibit A
Statement of Issues No. 2004-75

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of the State of California
2 MARCIA A. FAY, State Bar No. 161614
Supervising Deputy Attorney General
3 California Department of Justice
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4 P.O. Box 944255
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5 Telephone: (916) 445-1989
Facsimile: (916) 327-8643

6 Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. 2004-75

11 **DEANNA MCCAFFREY**
12 1032 Fallon Court
13 Redding, California 96003

STATEMENT OF ISSUES

14 Respondent.

15 Ruth Ann Terry, M.P.H., R.N. (Complainant) alleges:

16 **PARTIES**

17 1. Complainant brings this Statement of Issues solely in her official capacity
18 as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

19 2. On or about December 2, 2002, the Board of Registered Nursing,
20 Department of Consumer Affairs received an Application for Licensure by Examination from
21 Deanna McCaffrey (Respondent). On or about October 29, 2002, Deanna McCaffrey certified
22 under penalty of perjury as to the truthfulness of all statements, answers, and representations in
23 the application. The Board denied the application on March 25, 2003.

24 **STATUTORY PROVISIONS**

25 3. Section 2736 of the Business and Professions Code (Code) provides, in
26 pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds
27 that the applicant has committed any acts constituting grounds for denial of licensure under
28 section 480 of that Code.

1 4. Section 480 of the Code states:

2 (a) A board may deny a license regulated by this code on the grounds that
3 the applicant has one of the following:

4

5 (1) Been convicted of a crime. A conviction within the meaning of this
6 section means a plea or verdict of guilty or a conviction following a plea of nolo
7 contendere. Any action which a board is permitted to take following the
8 establishment of a conviction may be taken when the time for appeal has elapsed,
9 or the judgment of conviction has been affirmed on appeal, or when an order
10 granting probation is made suspending the imposition of sentence, irrespective of
11 a subsequent order under the provisions of Section 1203.4 of the Penal Code.

12 (2) Done any act involving dishonesty, fraud or deceit with the intent to
13 substantially benefit himself or another, or substantially injure another; or

14 (3) Done any act which if done by a licentiate of the business or
15 profession in question, would be grounds for suspension or revocation of license.

16 The board may deny a license pursuant to this subdivision only if the
17 crime or act is substantially related to the qualifications, functions or duties of the
18 business or profession for which application is made.

19 5. Section 2761 of the Code states:

20 The board may take disciplinary action against a certified or licensed nurse
21 or deny an application for a certificate or license for any of the following:

22

23 (f) Conviction of a felony or of any offense substantially related to the
24 qualifications, functions, and duties of a registered nurse, in which event the
25 record of the conviction shall be conclusive evidence thereof.

26 6. Section 2762 of the Code states:

27 In addition to other acts constituting unprofessional conduct within the
28 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
29 for a person licensed under this chapter to do any of the following:

30 (a) Obtain or possess in violation of law, or prescribe, or except as
31 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
32 himself or herself, or furnish or administer to another, any controlled substance as
33 defined in Division 10 (commencing with Section 11000) of the Health and Safety
34 Code or any dangerous drug or dangerous device as defined in Section 4022.

35 (b) Use any controlled substance as defined in Division 10 (commencing
36 with Section 11000) of the Health and Safety Code, or any dangerous drug or
37 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
38 or in a manner dangerous or injurious to himself or herself, any other person, or
39 the public or to the extent that such use impairs his or her ability to conduct with
40 safety to the public the practice authorized by his or her license. . . .

1 7. Section 4060 states, in pertinent part, that no person shall possess any
2 controlled substance, except that furnished to a person upon the prescription of a physician,
3 dentist, podiatrist, or veterinarian.

4 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
5 request the administrative law judge to direct a licensee found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 **DRUGS**

9 "Hydrocodone" is a Schedule II controlled substance as designated by Health
10 and Safety Code section 11055(b)(1)J).

11 **FIRST CAUSE FOR DENIAL**

12 **(Criminal Convictions)**

13 9. Respondent's application is subject to denial under section 480(a)(1), and
14 2761(f) of the Code, in that on or about June 19, 2002, in the Shasta County Superior Court,
15 County of Shasta, Redding Branch, Redding, California, Respondent was convicted by the Court
16 on her plea of guilty of violations of Business and Professions Code section 4323 (false
17 representation as authorized prescriber) and Health and Safety Code section 11368 (forging and
18 issuing a prescription) in the matter entitled *People vs. Deanna C. McCaffrey*, Case No. 02-3815.
19 Such conduct is substantially related to the qualifications, functions, or duties of a licensed
20 registered nurse.

21 **SECOND CAUSE FOR DENIAL**

22 **(Dishonesty, Fraud, or Deceit)**

23 10. Respondent's application is subject to denial under section 480(a)(2) of
24 the Code, in that on March 14, 2002 and April 24, 2002, Respondent, by her own admission,
25 committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit
26 herself by unlawfully forging, altering, and issuing prescriptions for hydrocodone, a controlled
27 substance.

28 ///

1 **THIRD CAUSE FOR DENIAL**

2 **(Obtain and Possess a Controlled Substance)**

3 11. Respondent's application is subject to denial under section 2761(a) of the
4 Code on the grounds of unprofessional conduct, as defined by section 2762(a) of that Code, in
5 that by her own admission, on or about March 14, 2002 and April 24, 2002, Respondent
6 committed acts as follows:

7 a. She obtained hydrocodone, a controlled substance, by fraud, deceit, or
8 subterfuge in violation of Health and Safety Code section 11173(a).

9 b. She possessed hydrocodone, a controlled substance, in violation of section
10 4060 of that Code.

11 c. She self administered hydrocodone, a controlled substance.

12 **FOURTH CAUSE FOR DENIAL**

13 **(Use a Controlled Substance to Such an Extent or in a**
14 **Manner Dangerous or Injurious to Herself or Others)**

15 12. Respondent's application is subject to denial under section 2761(a) of the
16 Code on the grounds of unprofessional conduct as defined in section 2762(b) of that Code, in
17 that, by her own admission, between in or about the year 2000 through approximately 2002,
18 Respondent used hydrocodone, a controlled substance, to an extent or in a manner dangerous or
19 injurious to herself or others.

20 **FIFTH CAUSE FOR DENIAL**

21 **(Conduct Which Constitutes Discipline of a Licensee)**

22 13. Respondent's application is subject to denial under section 480(a)(3) of
23 the Code, in that Respondent has committed acts, as set forth in paragraphs 9 through 12 above,
24 which if done by a licentiate of the profession would constitute cause for suspension or
25 revocation of a license under sections 2761(a), 2761(f), 2762(a), 2762(b), and 490 of that Code.


26 **PRAYER**

27 **WHEREFORE**, Complainant requests that a hearing be held on the matters
28 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

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1. Denying the application of Deanna McCaffrey for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: 10/8/03


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant